

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JEROME W. GRIFFIN,)	
)	
PLAINTIFF,)	
)	
v.)	CASE NO.: 2:06-cv-365-MEF-TFM
)	
ALABAMA GAS CORPORATION,)	
)	
DEFENDANT.)	

ORDER

It is hereby ORDERED that on or before **July 27, 2007**, counsel for Plaintiff Jerome W. Griffin shall file a supplement to Plaintiff's Reply Memorandum in Support of the Amended Motion for Class Certification. In this supplement Plaintiff shall:

1. State with specificity the class definition for the class for which he seeks certification.
2. Provide legal precedent, preferably binding precedent or at least decisions from within the Eleventh Circuit, supporting Plaintiff's contention that the fact that the proposed class includes future members means that joinder for purposes of the numerosity requirement of Federal Rule of Civil Procedure 23(a).
3. Provide legal precedent, preferably binding precedent or at least decisions from within the Eleventh Circuit, for Plaintiff's argument on the standing issue.
4. Address whether Plaintiff seeks compensatory or punitive damages on behalf of himself, as opposed to the class, and if so, provide legal authority, preferably binding

precedent or at least decisions from within the Eleventh Circuit, for his ability to prosecute such claims in the same lawsuit with a class action pursuant to Federal Rule of Civil Procedure 23(b)(2) in which, as class representative, he has disavowed compensatory and punitive damages for the class members other than himself.

It is further ORDERED that on or before **August 8, 2007**, Defendant shall file a reply brief addressing any argument made in Plaintiff's supplement and providing argument or further legal authorities on any of the aforementioned points of law.

DONE this the 17th day of July, 2007.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE